

REMEDICATION AND REDEVELOPMENT (RR) NEWS FROM WISCONSIN DNR
April 19, 1999

COMM 46 STATUS

On April 13, 1999, the departments of Justice (DOJ), Commerce and Natural Resources (DNR) met to discuss the Comm 46 emergency rule and its consistency with Chapter 160, Wisconsin's groundwater statute. The Legislature's Joint Committee for Review of Administrative Rules had directed attorneys from DNR and Commerce to meet with Assistant Attorney General JoAnne Kloppenburg to discuss DOJ's concerns about the existing emergency rule. DNR and Commerce have agreed to prepare a redraft of the emergency rule for review by DOJ. DNR believes that a redrafted rule can remain consistent with the principles in the current Comm 46, while clarifying and amending the rule to ensure that it is implemented in a manner consistent with the groundwater law. In the meantime, the current version of Comm 46 remains in effect, and DNR will make closure determinations consistent with both Comm 46 and NR 726. DNR field staff report that a major problem with implementation of the current rule is receipt of case closure requests that contain incomplete site investigations. When the site investigation does not present adequate information to make a closure determination, DNR will return the case closure request.

COMM 46 IMPLEMENTATION GUIDANCE

DNR has completed a guidance document for implementation of Comm 46. This publication can be found on the "Cleaning Up" page of the Remediation and Redevelopment web site. If Comm 46 is repealed and recreated, this guidance document will no longer apply. The R&R web site is: <http://www.dnr.state.wi.us/org/aw/rr/archives/pubs/RR621.pdf>

ENVIRONMENTAL INSURANCE

Environmental insurance is a growing industry that can help local governments, consultants, and developers manage their risks associated with the remediation of contaminated property. Proposals in the Governor's 1999-2001 budget may require people to obtain environmental insurance to receive certain liability exemptions. For those interested in this topic, there are two recent reports that cover this subject. The first one is from the U.S. Environmental Protection Agency (EPA) and the second one is from the U.S. Department of Housing and Urban Development (HUD). Below are links to their web sites where you can find the reports. If you do not have access to the Internet, you can order a paper copy by calling the National Technical Information Services for the EPA publication at (800) 940-9198, and by calling HUD User for their publication at (800) 245-2691. These documents are free on the web but there is a charge when you order paper copies.

1. "Potential Insurance Products for Brownfields Cleanup and Redevelopment" <http://www.epa.gov/swerosps/bf/pdf/inssvy.pdf>
EPA 500-R-96-001 PB96-963244

2. "Environmental Insurance for Brownfields Redevelopment: A Feasibility Study"
<http://www.huduser.org/publications/econdev/envins.html>

MAY 11 LAND USE CONFERENCE

On May 11, the 1999 Wisconsin Land Use and Policy Conference will be held at the Monona Terrace Convention Center in Madison. This conference presents the opportunity for professionals in the land use

community to come together and share perspectives on significant legal issues in land use law and policy. This conference is sponsored by the UW-Stevens Point and UW Law School, Continuing Legal Education. You can access the agenda on the internet at:

<http://www.law.wisc.edu/clew/index.htm>

UPCOMING BROWNFIELDS SEMINAR

Lorman Educational Services is sponsoring a seminar on June 9, 1999 titled "Funding Brownfields Transactions in Wisconsin". This is an all day program in Milwaukee at the Schlitz Brown Bottle at 221 W. Galena Court. People from financial institutions, insurance companies, local governments, real estate companies, attorneys, environmental consultants, or anyone else interested in brownfields redevelopment would benefit from this program. Cost is \$189; call (715) 833-3959 to register or (715) 833-3940 for more information. State and federal government officials, environmental attorneys and other brownfields specialists are on the agenda for this program.

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